[Mr. K. C. MammenMappillai.]

(*b*) *For wet lands.*

The rate of assessment shall be fixed on the basis of the schedule of the settlement rate for wet lands and on the analogy of the registered *pandarapattom* wet lands in the neighbourhood, provided that the whole of the paddy assessment shall be commuted into money at chs. 11 per para.

By order,
R. KRISHNA PILLAI,
Ag. Chief Secretary to Government.

Huzur Cutcherry,
Trivandrum, 18th July, 1922.

The Council then resumed the consideration of the budget for 1098.

DEMANDS FOR GRANTS.—(*Contd.*)

DEMAND XI—ADMINISTRATION OF JUSTICE

MR. V. SUBBA AIYAR: Sir, I beg to move for a grant not exceeding Rs. 7·21 lakhs under Demand XI—Administration of Justice.

Motions 63 to 65.

The following motions were not made:

MR. G. PARAMESVARAN PILLAI:

63. To reduce the allotment of Rs. 42,054 for establishment in the High Court by Rs. 100.

MR. G. PARAMESVARAN PILLAI:

64. To reduce the allotment of Rs. 56,325 for establishment in the District and Sessions Courts by Rs. 100.

MR. G. PARAMESVARAN PILLAI:

65. To reduce the allotment of Rs. 24,780 for establishment in Magistrates' Courts by Rs. 100.

Motion 66.

MR. K. C. MAMMEN MAPPILLAI: Sir, I beg to make the following motion:

66. To omit the allotment of Rs. 3,272 for the Law College Hostel.

The Law College Hostel, as you are aware, is intended only for caste Hindus. I would earnestly and respectfully request the Government either to make provision in the hostel for students of all the communities represented in the college or to remove the invidious distinction by abolishing the hostel altogether, so that the cause of soreness in some of the communities may be removed. All the communities are equally entitled to the protection and consideration of Government, and in the interests of peace and concord in the country, it seems highly undesirable that a hostel of this nature should be provided for students belonging to one particular community or certain communities only. I therefore submit that Government be pleased to take into consideration my suggestion that either arrangements be made for students of all communities by providing separate kitchen accommodation or this item be altogether omitted from the budget.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. V. SUBBA AIYAR: Sir, I beg to place before the House the circumstances under which the Law College Hostel itself was started. The University Commission, after the inspection of the Law College, remarked that there was no hostel attached to that institution. Subsequently, the Registrar of the Madras University wrote to the Principal of the college asking for a return showing the number of students staying in the hostel attached to the Law College, of students living in approved hostels not attached to the Law College, and of students residing with their own relations or families. Before submitting such a statement, the Principal wrote to the Registrar asking whether it was not possible to exempt the Trivandrum Law College from submitting such a statement. In reply, he was told that the University Regulations were very strict in the matter, that those Regulations required that every college applying to the University for affiliation should have a hostel attached to it, and that the Syndicate could not see their way to exempt the Trivandrum Law College from the operation of the Regulations, with the result that the Law College could not be continued unless a hostel was attached to it. It was therefore suggested that for the present a temporary house might be rented and the hostel started. While the students in the college, no doubt, consisted of various communities, the preponderance was in favour of caste Hindus. They were put to considerable difficulties, because they could not get any decent residential quarters. So far as the Christian and other communities were concerned, the L. M. S. Hostel supplies the necessity to some extent. Therefore, a hostel of this kind was started for the caste Hindus alone and a warden was also appointed. So far as the extension of the hostel to the other communities is concerned, I understand that the High Court are considering that question. From what I have stated, it will be seen that the absence of provision for other communities has been due to the fact that in the first place the L. M. S. Hostel satisfies the demand, and that, secondly, there has been no representation that the other communities are put to any serious inconvenience on that score. The Government are awaiting the decision of the High Court in the matter.

MR. G. PARAMESVARAN PILLAI: May I know what exactly is the number of caste Hindu students that are being accommodated in the hostel?

MR. V. SUBBA AIYAR: You mean, at present?

MR. G. PARAMESVARAN PILLAI: Yes.

MR. V. SUBBA AIYAR: I understand that fifty caste Hindu students are being accommodated.

MR. G. PARAMESVARAN PILLAI: Out of the students in the Law College how many are caste Hindus and how many the rest?

MR. V. SUBBA AIYAR: I believe, about two-thirds and one-third roughly.

MR. C. J. CURIEN: Sir, the Law Member suggests that, since the Christian students may resort to an institution started by a society,

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. K. Narayana Pillai.]

the Government institution should be closed to them. This is rather hard. I therefore support the resolution moved by Mr. Mammen Mappillai.

MR. T. K. VELU PILLAI: Sir, with reference to the motion before the House, I have a few remarks to make. All the subjects of His Highness the Maha Raja are united in their prayers for the removal of all the grievances suffered by certain communities in the State. There is no one in this country at the present time who wants to perpetuate differences and discussions between castes, nor would any person be found who will entertain the idea of demanding preferential treatment in educational institutions. I shall be happy when the day comes—and I hope it will come in the very near future—when Christian students, Ezhava students and students of other communities will be freely admitted into all the hostels. Six or seven years ago, as a member of the Sri Mulam Popular Assembly, I had the privilege of pleading for the admission of the students of all communities into the Caste Hindu Hostel. I am a caste Hindu, but I felt it my imperative duty to ask for this right being conceded to all communities. Regarding the Law College Hostel, I have to make some observations in another direction. Sir, Travancore cannot afford the luxury of a Law College Hostel. The necessity for a Law College itself is questionable, but that point is not now before this House. The Government are spending Rs. 3,000 and odd for the maintenance of the Law College Hostel. I can understand very well a hostel being necessary for young boys who have to come away from their parents and live in distant lands. But it is well-known that the students of the Law College will be at least about twenty years of age. They can take care of themselves and make their own arrangements for accommodation and boarding. To lavish Rs. 3,000 on a questionable institution of this kind is not at all desirable. I would therefore ask for the abolition of the Law College Hostel. Whatever the University may say, the Travancore Government can convince them that there is so much good and healthy accommodation available in Trivandrum that the Law College Hostel is not necessary. It is a very important matter of principle. When pupils of the High Schools are compelled to live in private houses without being able to get proper guidance and control, it is idle to think that a Law College Hostel is indispensable. The matter is very important, and I hope it will engage the serious attention of the House.

MR. P. K. NARAYANA PILLAI: Sir, I beg to support the motion, which is quite a reasonable one. But, with respect to the abolition of the Law College Hostel, we fear we are not our own masters. In that respect, there is the University to be reckoned with. If Government can succeed in convincing the University that conditions in Trivanduum are not quite similar to those in Madras and that accommodation can be found in private houses here, then we may dispense with the Law College Hostel. As to the other portion of Mr. Mammen Mappillai's suggestion, that has to be taken into consideration

LIBRARY ARCHIVES Kerala Legislative Assembly

only if the institution is an indispensable one, in which case I certainly agree that accommodation should be found for persons belonging to other religions and other castes also.

MR. J. JOHN NIDIRY: Sir, I would also strongly support the motion brought forward by my friend, Mr. Mammen Mappillai. I would support it not only on the ground referred to by him, but also on the other grounds put forward by my friend, Mr. T. K. Velu Pillai. The necessity or the luxury of having a Law College in a small State like Travancore is open to question. Granting that it is necessary, the next question is whether it is equally important that we should have a Law College Hostel also. Granting that it is also necessary, the further question is whether we should begin with a hostel for caste Hindus or non-caste Hindus and Christians. So far as I am aware, the non-Hindu and non-caste subjects of His Highness the Maha Raja feel a great disadvantage in finding proper accommodation in a town like Trivandrum where caste Hindus have so many advantages. That being the case, I should say that Government have begun at the wrong end in this matter as in many others, that is to say, they ought to have first provided a hostel for those who are at a great disadvantage in finding a lodging in a town like Trivandrum. On this ground, I support the motion.

MR. M. R. MADHAVA VARIAR: Sir, I rise to support Mr. Mammen Mappillai. I support him on another ground. I do not say that the Law College Hostel should be abolished, because it is a caste Hindu hostel. What I say is that so much money need not be spent by Government on the Law College Hostel, because the expenditure may be realised from the students staying there. This hostel may be maintained and another hostel may be established for Christians and other Hindus, because, in Trivandrum or for the matter of that in Travancore, according to present conditions, it is not possible for students of various communities to live together in a particular place. So, another hostel may be established. But the expenses thereof should be met by the students and not by the Government. According to the budget, the salaries of the steward, cooks, etc., and the rent of the building are now paid by Government. I submit that Government should not spend so much money and the sum of Rs. 3,000 allotted for the purpose should be reduced from the budget.

MR. N. KUMARAN: Sir, I wish to say a few words with respect to this motion. The learned Law Member was not able to give us any convincing arguments as to why we could not establish a hostel which would be of use to all the communities concerned. He was attempting to show that Government were compelled to establish a hostel, but not that they were compelled to establish a hostel of the kind that we have now in Trivandrum. No doubt, the Madras University wanted a hostel to be established. But they never said that the hostel should be confined to a particular community or communities. Now, some of the learned speakers who preceded me said that it would not be possible to have a hostel for all communities—a hostel which could be used by all the communities in the country. Now, Sir, in Trivandrum we

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. Hoogewerf.]

have the Girls' College and the hostel attached to it. We find there that girls belonging to all communities live together. They do not find any inconvenience in living together. Outside Travancore, we find that hostels are established in several colleges, in which all classes of people live together, living in the same building but messing in different rooms. But when they come to Trivandrum, they find a very different spectacle. The sons of the soil or a portion of them at least, are excluded from the hostels which are maintained by Government, and all these caste Hindu students who come from Palghat and other places live in the hostel attached to the Law College. They are better welcomed in Travancore than the sons of the land. I submit that this state of affairs should not be permitted to continue any longer. Now, we have to maintain the Law College. It is not possible for us to abolish it. We have spent a lot of money for putting up a costly building for the College. I would only suggest that Government may take steps to have a hostel which could be made use of by students from all communities. It was also suggested by some of the speakers that there is a Christian hostel—the L. M. S. Hostel—in the town of Trivandrum. But being a Christian hostel, certainly it is not possible for other communities to make use of that hostel. Therefore that is not an argument to be urged against the proposition brought forward by my friend, Mr. Mammen Mappillai.

MR. K. P. RAMAN PILLAI: May I inform Mr. Kumaran that there is special accommodation for Hindus in the L. M. S. Hostel? I myself was there.

MR. N. KUMARAN: I am very thankful to my friend for the information, but that does not in any way detract from the reasonableness of the request made by my friend, Mr. Mammen Mappillai.

MR. DOMINIC TOMMAN: Sir, the learned Law Member said that the L. M. S. Hostel met the requirements of the Christians and non-caste Hindus. As far as I know, the L. M. S. Hostel was primarily intended for the use of the students of the L. M. S. Roman Catholic students are not admitted there; and, even if they are admitted, they have to say their prayers according to a different form which the Roman Catholics cannot do. As far as the Hindus are concerned, they have practically no admission, because there is no space even for all the Christian students of South Travancore. The attention of Government was drawn to this fact in several sessions of the Assembly and they were told that the Christians of North Travancore were put to great difficulty owing to the want of a hostel in the town. Even now there are about a hundred students belonging to the Christian and Ezhava communities in the Law College without any hostel accommodation. So, I strongly support Mr. Mammen Mappillai's motion.

MR. A. HOOGEWERF: Sir, Mr. T. K. Velu Pillai has sounded the keynote of catholicity and sympathy for all communities. He has said that this hostel perpetuates only rivalries and caste jealousies

LIBRARY ARCHIVES Kerala Legislative Assembly

which is an abomination. You will see, from what the Hindu members have said with reference to this motion by a Christian member who pleaded for a Christian hostel, that all of them are in unison with Christian aspirations and Christian disabilities. That is a sign of the times. We sit here in common brotherhood. The portals of our colleges and schools are open to all castes and creeds. In the Popular Assembly the Pulaya sits with the high-caste Nambutiri Brahmin. The doors of the Revenue Department which were barred and bolted to Christians and to members of Mr. Kumaran's community have now been opened by His Highness the Maha Raja and by you, Sir, who guide us, during your administration. All glory to His Highness the Maha Raja and to you. Now there is another hostel rising up somewhere there. That is probably a Caste Hindu Hostel.

MR. S. PARAMESVARA AIYAR: That is a hostel for all communities.

MR. A. HOOGEWERF: For the Christian community also?

MR. S. PARAMESVARA AIYAR: Yes, Sir.

MR. A. HOOGEWERF: Thank you. I am very happy to hear such a statement. Mr. Kumaran said that in the Girls' College Hostel students from different castes are living like sisters. Why should we not have a hostel of that kind? That is my question.

MR. JOSEPH PANJIKARAN: Sir, the amount provided for the hostel is only Rs. 3,000. So, if we give up the idea of a hostel on the pretext that it is on account of cost, then we would be almost shirking the question of the principle underlying it, *viz.*, whether it may be maintained as a Caste Hindu Hostel or whether it can be thrown open to all. So, when some of the members on this side of the House were observing that on account of cost it may be given up or that it may be given up on account of the convenience obtaining in the town for students coming from the different parts of Travancore, I think it was shirking the principle involved in the motion.

The principle laid down by Mr. Mammen Mappillai is certainly very sound. There should be no distinction so far as Government is concerned as between different castes and creeds and they should be all treated alike. In these days when there is so much talk of universal brotherhood and all that, I am sorry that the Government of Travancore should have taken up the idea of putting up a Caste Hindu Law College Hostel. It is a thing which wounds the sentiments of other castes and communities. So, I would suggest that that item in the budget be deleted as a recognition of the principle that we do not mean to maintain differences of caste and not on the ground that it is a useless concern. Perhaps I hope that my friends on both sides of the House will join with me when I say that this item of expenditure must be vetoed on the principle that such an invidious distinction should not be perpetuated in the budget and not on the ground that it is useless, costly and so on.

REV. FR. KURIAKOSE VETTIKKAPALLI: Sir, in rising to support Mr. Mammen Mappillai's motion, I wish to say that a Law

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. T. K. Velu Pillai.]

College Hostel intended only for one portion of His Highness' subjects is against the principles which have been admitted by all the members here. Now, we understand from Mr. Paramesvara Aiyar that the hostel that is being built is meant for all communities. If a Law College hostel is necessary as required by the University, I do not see any reason why it should not be open to all, while the other hostel which is being built is open to all communities. In case it is meant for all and it is required by the University, I think it may go on. Otherwise, it will be against the principle that has been admitted by the members on both sides of the House.

PRESIDENT: You are referring to the Arts College Hostel. That is not in question now. That hostel is meant for all.

REV. FR. KURIAKOSE VETTIKKAPALLI: The same thing can be done for this hostel also. If it cannot be done, I think I should strongly support the motion.

RAO BAHADUR K. A. KRISHNA AIYANGAR: Sir, the object which Mr. Mammen Mappillai had in tabling this motion has been practically achieved. There does not appear to be any difference of opinion as regards the principle that Government money should not be spent for the benefit of members of a particular community. No one can object to the provision of additional accommodation to meet the requirements of other communities, but we must certainly object to the abolition of the existing hostel. I do not believe that Mr. Mammen Mappillai seriously presses for the deletion of this expenditure. His object, as I understand it, is to get a definite announcement of policy from the Government regarding the desirability of meeting the legitimate requirements of all classes of His Highness' subjects attending the Law College. On this question of principle there can be no difference of opinion. The explanation by the learned Law Member shows that a hostel had to be started to satisfy the requirements of the University in the matter of the affiliation of the Law College; and, as a first step, Government started a Caste Hindu Hostel to meet the requirements, as the greater portion of the Law College students were caste Hindus. I have no doubt that, if members of other communities attend the Law College in large numbers to justify the opening of a new hostel, Government will certainly make the necessary provision. The trend of opinion of educational experts everywhere, apart from the Regulations of the University, is in favour of providing residential quarters for as large a number of college students as possible, consistent with the financial resources of Government. I trust that Mr. Mammen Mappillai will accept the assurance of the learned Law Member and withdraw his motion.

MR. T. K. VELU PILLAI: Will Mr. Krishna Aiyangar be pleased to inform this House whether in the Victoria Hostel, Madras, Law College students are given admission?

LIBRARY ARCHIVES Kerala Legislative Assembly

RAO BAHADUR K. A. KRISHNA AIYANGAR: I cannot answer that question; but, in view of the Regulations of the University, there must be hostel accommodation in some other building, if not in the Victoria Hostel. I am only dealing with the general principle on which modern educationists lay great stress. The annual expenditure on the Law College Hostel is only Rs. 3,000. I have no objection to make the hostel self-supporting, if that is insisted on.

MR. K. PARAMESVARAN PILLAI: Sir, I fully support Mr. Mammen Mappillai in his view that the Law College Hostel should be left open to all classes of His Highness' subjects without any distinction of caste, creed or colour. It is one of the important educational institutions of the State and it must be open to all classes of His Highness' subjects. It does not appear to me that the disallowance of the sum of Rs. 3,000 by itself would necessarily mean the abolition of the Law College Hostel. If it is maintained for the benefit of a particular class of people, it must be made self-supporting and they ought to pay the cost of maintaining it fully. No amount of money, either out of the income from the Law College, which includes the fees derived from other classes of His Highness' subjects who do not get admission, or from the general exchequer, should be spent on the hostel for the Law College.

So far as the abolition of the Law College Hostel and of the Law College itself are concerned, it appears to me that there is absolutely no necessity for it, because, from a commercial point of view, the Law College has been a profitable concern. I find from the Administration Report of the Law College for 1096 that the income from the Law College was Rs. 36,000, while the expenditure to the Government was only Rs. 23,000. The Government made a net profit of Rs. 13,000. It is only Rs. 3,000 out of this Rs. 13,000 that has been spent upon the Law College Hostel. Still there is a net profit of Rs. 10,000. I would request the Government to recognise the great principle of admitting all classes of His Highness' subjects to the Law College Hostel and, if need be, to spend an additional amount of money from the profits of the College, for the purpose of extending the Law College Hostel, so as to provide accommodation for more students to wipe out the distinction which is certainly a great disability and which might lead to unnecessary friction between the several communities inhabiting the State. It appears to me that, besides removing this disability, it will have another and indirectly larger effect, *viz.*, that of gradually wiping out caste differences which are eating into the very vitals of the State. On this ground I support the proposition brought forward by Mr. Mammen Mappillai.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: Mr. President, I wish to say a few words which may be of some use to make one or two points clear, in regard to the obligation that the affiliated colleges are under, about providing residential accommodation to their students. I understood Mr. Velu Pillai to suggest that the students of the Law College, being, on the average, of a higher age than those of the Arts College, do not require any supervision. Whether they actually need supervision or not, the University assumes that all persons

LIBRARY ARCHIVES Kerala Legislative Assembly

[Rao Bahadur K. V. Rangaswami Aiyangar.]

who are students of a college have to live either in hostels or with their parents or guardians, or live under other proper supervision. It is one of the obligations laid by the University on the colleges affiliated to it in the Regulations passed by the University, in accordance with the Indian Universities Act, that every college should give an assurance, at the time of its affiliation, that it would submit an annual report, when it is called upon to do so, that it is conforming to this principle and is providing for the residence of all its students, who may not be living with parents or guardians or under supervision in hostels, whether maintained by the institution or aided by its management.

MR. T. K. VELU PILLAI: Sir, may I put a question? In cases where the students are 45 or 50 years old, is there any University rule compelling them to live in hostels or with their parents or teachers? I know of an instance. Some years back, a middle-aged gentleman was a student in our Law College. I believe he was a Deputy Collector. Does it mean that such a man should live under supervision?

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: It is not a difficult question to answer. There have been such instances I have myself known cases of gentlemen of mature age, say 50 or 52, joining arts colleges and prosecuting their studies. I am just able to remember the case of a gentleman, who was a Tahsildar, who had been deprived of the chance of promotion to a Deputy Collectorship, for want of a degree. He took leave and joined the Christian College where he successfully prosecuted his studies for the B. A. As far as the University Regulations are concerned, *every* person, who is a student of an affiliated college, is regarded as a *student*, irrespective of his age, and he *has* to conform to the Regulations laid down by the University in regard to residence. Mr. Velu Pillai will know that law and equity do not always or necessarily go hand in hand. This may be one of such cases. As far as the University is concerned, it has to receive the assurance that *every* person who is a student of an affiliated college is residing with his parents or under proper supervision, or is living in a hostel maintained by or rendered available to the students of that college. Under these circumstances, our Law College cannot retain its affiliation, unless it satisfies these requirements of the University Regulations. I have nothing more to say on this question. I would merely point out further that the Law College has made a promise to the University that it will provide the accommodation. For a long time, the University thought that, being a Government institution, the authorities of the college would easily arrange for the necessary provision being made for the residence of its students, but it now feels that the college has made a serious default in the matter. There has, I believe, been a certain amount of animated correspondence between the University and the management of the college on this question. I doubt whether Mr. Velu Pillai's suggestion that the University *can* be persuaded to exempt our law students will ever be acceded to.

LIBRARY ARCHIVES Kerala Legislative Assembly

It was suggested by one of the members that it might be a *desirable* thing to provide a hostel to our Law College. It is not a question of mere desirability since the University has to be satisfied in this respect; and, for that purpose, a hostel has to be maintained. If you are having students who are not being provided with any supervision, the University will insist upon their being so provided. There *is* an obligation in this respect, and there is no likelihood of any leniency being shown by the University since it is now very strict in this matter. Unless it is desired by those who favour the proposition that the existing hostel should be abolished, and that, along with it, the Law College also should go —for, if you abolish the hostel the college will fall,—I would warn the supporters of the motion to drop it. For, I may inform the Council that, under the Regulations of the University, it is open to any member of the Syndicate to move the disaffiliation of a college which does not conform to the Regulations laid down by the University in any matter, and this can and will be done in respect of our Law College, if it contravenes the Regulations.

MR. A. HOOGEWERF: Is there any understanding that only caste students should be admitted to a hostel?

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: No. The University does not concern itself with such questions. It is only concerned with the question of the provision of adequate residential accommodation for all students who are not living with their families.

MR. S. KRISHNA AIYAR: Sir, I wish to associate myself with the principle advocated by Mr. Mammen Mappillai of giving equal opportunity for all classes of His Highness' subjects. I support the motion.

MR. K. P. RAMAN PILLAI: Sir, if the object of this motion was to draw out the policy of the Government in respect of providing hostel accommodation for all subjects of His Highness the Maha Raja, I venture to think that it has been accomplished. The learned Law Member has told us that this Law College Hostel was started more to please the rigour of the University Regulations than for anything else. He has made it pretty clear that the starting of this Hostel was rather a makeshift arrangement and the rules regarding admission to the Girls' College Hostel and the Arts College Hostel make it clear what the policy of the Government is in regard to the admission of students to these hostels, so that I am inclined to think that no community in Travancore need have any apprehension regarding the policy that will be pursued by the Government in respect of this matter. There was some mention about the existence of peace and concord in the country. I come from the country parts.

PRESIDENT: I am afraid you are not in order in referring to that.

Mr. S. ADAM SAIT: Sir, I fully support Mr. Mammen Mappillai's motion.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. V. Subba Aiyar.]

MR. K. C. MAMMEN MAPPILAI: Sir, my object in tabling this motion was to get a pronouncement as to the intentions of the Government with regard to this institution. I understand from the Law Member that it would be difficult for the Government to abolish the Law College Hostel. Therefore, I would suggest that the Law College Hostel be made available for all communities by providing separate kitchen and other arrangements. If such an undertaking could be given by the learned Law Member or any other representative of the Government, I would not press for a division.

MR. V. SUBBA AIYAR: Sir, I am sorry I was not understood in the way in which I wanted the House to understand me. That is to say, we were debating a point which was not in issue between the two parties. I first made it clear that the Law College Hostel was brought into existence on account of pressure from the University. Then I explained the reason why it was restricted to caste Hindus. The reason was that there was a large number of students belonging to those communities. They had no residential quarters. It was thought that the L. M. S. Hostel supplied the demand, so far as the Christians and other communities similarly situated were concerned, and therefore the question of accommodation for other communities was not taken up by the Government. I also said that the High Court were considering the question and that their recommendation was being awaited. In the face of these statements, I should not be understood as saying that Government solemnly resolved that they would start only a Caste Hindu Hostel and not a hostel for the convenience of other classes of His Highness' subjects. With reference to the abolition of the Law College itself, my friend, Mr. K. Paramesvaran Pillai, has explained that it is run more as a business-like concern than anything else, and that we are making a profit of Rs. 13,000 a year. And as for the abolition of the Law College Hostel, Mr. Rangaswami Aiyangar, who is a member of the Syndicate and who, therefore, knows what the inner working of the University is, has said what the University is likely to do in the event of the abolition of the hostel. Unless we are prepared to say that the Law College may also be abolished, it is not possible to abolish the Law College Hostel. It has been brought to the notice of the Council by the Legislative Secretary that the building we now see just opposite to the military parade ground is intended for the use of all communities irrespective of caste or creed, Christian or Mahomedan. But, so far as this particular hostel is concerned, the difficulty is, as is known to every one, that it is not possible to have a single rented house so as to accommodate the students of all communities. I may suggest that the present hostel may practically be regarded as a subsidised hostel like the Mahomedan Hostel. The messing charges are paid by the students and it is only the rent of the house and a few small items such as payment for cooks, etc., that are provided for at a very moderate cost of Rs. 3,000. The Government, of course, will be in a position

LIBRARY ARCHIVES Kerala Legislative Assembly

to consider soon the question of providing suitable accommodation for Christian and other students. This question will receive the attention of the Government, as soon as a definite recommendation or scheme is submitted by the High Court. I believe that must necessarily satisfy Mr. Mammen Mappillai; and, as I said at the outset, the High Court are considering the matter. The Law College is under their supervision and, before we receive from them definite recommendations, it will not be possible to do anything. When they do make the recommendation, the question will be carefully considered by the Government.

MR. K. C. MAMMEN MAPPILLAI: Sir, I beg to withdraw the motion.

The motion was, by leave, withdrawn.

Motion 67.

MR. G. PARAMESVARAN PILLAI: Sir, I beg to make the following motion:

67. To reduce the allotment of Rs. 2,880 for Establishment—law Officers—by Rs. 100.

My object in tabling this motion is to bring home to this Council the fact that the post of the Assistant to the Additional Head Sirkar Vakil is absolutely unnecessary and may well be abolished. The Head Sirkar Vakil's office is already overmanned. There is a Head Sirkar Vakil on a salary of Rs. 600 with a personal allowance of Rs. 150. The budget for 1097 provides him with two permanent Assistants and one temporary Assistant. The Head Sirkar Vakil was formerly attending to the drafting of Bills as well as to the regular work in the High Court. He was also a member of the Legislative Council. Subsequently, however, as was usual in the case of many an officer, the Head Sirkar Vakil was considered to be an officer with multifarious duties and an Additional Head Sirkar Vakil was appointed to be solely in charge of legislation. This latter officer replaced the Head Sirkar Vakil in the Legislative Council as well. When this new post was created, there was a loud protest in the Press, but the appointment was nevertheless made permanent. In regard to legislative work, the Additional Head Sirkar Vakil is mainly engaged in transcribing British Indian enactments with such slight changes as might appear to him suitable for Travancore. He is also in charge of Bills in the Legislative Council. As years passed by, the feeling against this additional post almost subsided. Then the Additional Head Sirkar Vakil himself stood in need of an Assistant for some reason or other and he managed to get one when the revision of the Civil Procedure Code was taken in hand. The services of the Assistant were then requisitioned and obtained temporarily. The temporary Assistant was engaged in the revision of the Code, but the work would not be finished. The temporary period, I understand, had to be extended from time to time with strict directions that no further extension would be allowed. After all, the work in connection with the Civil Procedure Code did come to an end. The revision of the Criminal Procedure Code was also taken up and that too was finished. And I understand, by the time the purpose for which the Assistant was temporarily appointed had

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. V. Subba Aiyar.]

been practically finished, he was forthwith confirmed in that appointment. I find from the budget for 1098 that provision is made for a permanent Assistant to the Additional Head Sirkar Vakil. Thus we have the Head Sirkar Vakil with three Assistants—

MR. V. SUBBA AIYAR: Sir, I beg to correct the member. The Head Sirkar Vakil has only two Assistants.

MR. G. PARAMESVARAN PILLAI: Yes, two permanent Assistants. In 1097 there was one temporary Assistant as well. We have also a permanent Assistant to the Additional Head Sirkar Vakil. No doubt, it may be urged on the other side, as has very often been done, that there is ample work for the Additional Head Sirkar Vakil and his Assistant. As for that matter, I may add that, even if one or two more Assistants are put in, the other side will very probably justify the step and contend that there is plenty of work for all of them. But we have to consider whether the real work devolving upon the office will, in view of our present finances, justify such heavy expenditure on account of this department. If the Additional Head Sirkar Vakil once stood in need of any assistance, he must be deemed to have had it in ample measure from his temporary Assistant. He does not stand in need of such assistance any further. I am sure the House will agree with me that the Additional Head Sirkar Vakil can well look after his duties unaided. For, as has been our experience during the past few days, the Additional Head Sirkar Vakil, besides being able to attend to his own legitimate functions, has found it possible to go to the rescue of other departmental heads to make the best out of a bad bargain. He speaks with authority on the Hydro-Electric Scheme, defends the Excise Sub-Inspector and helps the Forest Conservator. We are confident of his ability to attend to the duties appertaining *to his office unaided*. His Assistant is an able lawyer; and his services should be utilised to the fullest extent. He should not be allowed to remain idle within the four walls of the Additional Head Sirkar Vakil's room. Government should get their money's full worth out of him. In his present limited sphere, perhaps, there is hardly any scope for the display of his abilities too. As a matter of fact, it is sheer waste of money to incur suhc additional expenditure when we can possibly avoid it. Is it not reasonable that, when we are hardly able to make both ends meet, we should dispense with such unnecessary but costly appointments? The salaries of all officers above Rs. 125 are non-votable and it is only by such motions that we can control expenditure under non-votable items. In presenting this motion before the House, I would, for the reasons stated already, strongly urge the abolition of the post of the Assistant to the Additional Head Sirkar Vakil.

MR. V. SUBBA AIYAR: Sir, I am glad that I am personally in a position to defend myself, because I believe there is a notion abroad that my office is not having enough of work, and that, therefore, when I myself have no work, I want somebody else to assist me in doing nothing. That impression I can very easily remove, if I refer to the nature of the

LIBRARY ARCHIVES Kerala Legislative Assembly

work that is done in my office. In the first place, I am sorry that my friend, Mr.G. Paramesvaran Pillai, should treat so lightly of the business of drafting Bills. I wish very much that it were so easy. I believe he might realise it himself, if he were to draft any Bill, say, for instance, even the Nair Bill, with which we are all familiar He would find, when he makes the attempt, that there are ever so many difficulties in the way. Further, for all the Bills that have been introduced into this Council we have no models. Sometimes we have to draft some Bills mainly depending for inspiration on our brains. Even if we have corresponding legislation elsewherefor our model, it is more diflicult to draft a Bill on the lines of another Act than to draft one from our own imagination. If we go elsewhere, we shall find that all the Acts of the Indian Legislature are based mainly upon the English Acts. I believe that every one knows that the necessary modifications are made by the Indian Legislature to suit local conditions. So also in the Madras Legislature. That does not mean that we have only to copy the Act word for word. If so, I would rather say that *my* office might be abolished, my head clerk being asked to do it. He can do it, as he has only to copy it. But we must remember one essential thing in connection with the drafting of Bills, and, that is to digest the Regulation or Act we are going to take up, see what the provisions contained in it are, why those provisions have been incorporated, whether there are any rulings interpreting any provision and, if so, whether the Sections should not be modified suitably, and, lastly, whether it is desirable to follow the Act, so far as Travancore is concerned. In every one of the measures that have been introduced, that has been done as far as possible and the necessary modifications to suit the rulings that have been passed have also been introduced.

With reference to my friend's observations regarding the work connected with the drafting of the Civil Procedure Code, I wish to draw his attention to the fact that the Civil Procedure Code referred to by him is not so easy—I mean, to copy it from British India or anywhere else. I may say that here also considerable work has been done, that is to say, certain distinctions that have all along been maintained between the British Indian Code and the Travancore Code have to be maintained hereafter also, and, if any difference is to be done away with, the necessity for the same has to be considered. In British India, the Civil Procedure Code of 1909 follows closely the British Indian procedure and yet a strong committee consisting of eminent lawyers had to sit for a long time for drafting it. The Travancore rulings have to be analysed before drafting the new Code. Unless there is a person who understands the business and who is in the profession and has the capacity and willingness to assist, it will not be possible even to attempt it. The Criminal Procedure Code has not yet been finished, as Mr. G. Paramesvaran Pillai supposes. Though we spent some time over it, we have been able to get through only a portion of it.

Above all, it is not the drafting of the Bills alone that is left to me. All the rules have to be examined by me. The Gazette will give my friend an idea as to the extent of the rules that go through me. Then, everything connected with the interpretation of the Acts comes to me

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. V. Subba Aiyar.]

Besides formal, there are also informal, references for opinion which I have to answer. The present Dewan has ruled that all official references on questions of law should be made to legal advisers. We have to study the whole file in each case and answer them and record our opinions in the files themselves.

My friend made a reference to the old Legislative Council work. That was at a time when the Head Sirkar Vakil was in charge of all the work including legislative work and references. It was impossible for him to find time for the revision of the law and the rules. It was therefore that I was called to take up the revision of the Regulations and the Rules. Further, the Law Officer in the old Legislative Council had always the official block to support him. So far as my present work is concerned, not only should I be well posted up with all the details, but I should also be in a position to meet the objections of the members, particularly when we have a non-official majority.

MR. G. PARAMESVARAN PILLAI: May I know who was the person who was drafting Bills in olden days, *i. e.*, during the time of Mr. Prince?

MR. V. SUBBA AIYAR: Very few Bills were drafted by him. Officials themselves were drafting them then. Mr. Ananda Rao, on account of references to the Head Sirkar Vakil and other office and court work, could not find time to bring the legislative work up to date. One of the conditions of my appointment was to revise all Regulations, modify them suitably and to draft the necessary Rules. No Rules worth mentioning were passed before my appointment under any Regulations, although many of the Regulations provide that the Government may frame rules. So far as this part of my work is concerned, it is a very taxing one.

Another matter which I wish to impress upon this House is that my work is not merely clerical work. It is not enough if I pass orders. Everything has to be studied and drafted. No man, I believe, with any amount of intelligence and any amount of physical endurance can bear the strain for more than three or four hours every day. I believe I have sufficiently explained myself. So far as the Assistant to the Additional Head Sirkar Vakil is concerned——

MR. K. PARAMESVARAN PILLAI: May I have an idea of the work done by the Head Sirkar Vakil?

PRESIDENT: That does not arise here.

MR. V. SUBBA AIYAR: So far as the Assistant to the Additional Head Sirkar Vakil is concerned, I may say that all references are referred to him. He records his opinions after studying the question in each case, and then I go through them. He assists me in preparing Bills. He has also to study the case-law on each subject and to see that suitable modifications are made in the Bill. Unless there are two persons to discuss questions, it is not possible to get through any work satisfactorily. So far as the expenditure to Government under this head is concerned, there has been no additional cost, because there were three Assistant Head Sirkar Vakils in the

LIBRARY ARCHIVES Kerala Legislative Assembly

Head Sirkar Vakil's office, and one of them has been drafted to my office. The Head Sirkar Vakil is now working only with two Assistants; no substitute is given to him in respect of the third, so that practically this is only a redistribution of officers in the head offices. I believe the explanation that I have offered will satisfy the House.

MR. S. KRISHNA AIYAR: Sir, while expressing the completest possible confidence in the Additional Head Sirkar Vakil, I wish to point out that, in the Mysore State, they have only one Government Advocate and two Public Prosecutors costing Rs. 18,000, and that, in the matter of staff, the cost to the State is only Rs. 1,332. I wish that in his reply the Law Member would tell us how they are managing the whole department at such a small cost.

MR. T. K. VELU PILLAI: Sir, it has been observed by the learned mover that most of the legislative work done in Travancore consists in imitating the laws of other countries. This remark is sometimes painfully true. But we have yet to remember that it is the light of British enlightenment that has shed its lustre on the ancient civilisation of the Indian people and has galvanised them with the new life which pulsates this great Indian Peninsula from one end to the other. As an integral part of India, Travancore has also to look up to that same glorious light for inspiration and guidance in her material and moral development. It is, therefore, in the fitness of things that we should occasionally travel outside our State to the enactments of the Indian Legislatures and sometimes trace our steps to the original source of juristic principles in England. But a mechanical and slavish imitation of the laws taken bodily from the statute-books of other countries is neither healthy nor commendable. The drafting of laws is a difficult job; and the copying of the laws of one country to suit the different political and economic conditions of another country with a different civilisation is a task of greater difficulty. And, I am sure, the House will agree with me when I say that, in this arduous work of selection and rearrangement, our service cannot boast of one abler, better read, or more hard-working than the present Law Member.

MR. K. P. RAMAN PILLAI: Hear, hear.

MR. T. K. VELU PILLAI: He is a gentleman of advanced years; but, permit me, Sir, to observe that, if he is prepared to continue in service for 15 years more, it will be to our best advantage to retain him. Against Mr. Subba Aiyar this Council takes no objection. Mr. Paramesvaran Pillai's contention is that the work of the Sirkar Vakils' Department is not so heavy as to necessitate the continuance of so many officers. I have myself, on more than one occasion, raised this question in the Popular Assembly.

PRESIDENT: We are dealing with only the Additional Head Sirkar Vakil's office now and not with the Sirkar Vakils' Department generally.

LIBRARY ARCHIVES Kerala Legislative Assembly

[MR. K. P. Raman Pillai.]

MR. T. K. VELU PILLAI: I agree with the mover in thinking that the appointment of an Assistant Head Sirkar Vakil in the way in which it has been done is a surplusage. As has been pointed out to this House already, the work that has now been distributed among several Sirkar Vakils was being formerly done by one Head Sirkar Vakil and one Assistant. Mr. Subba Aiyar has in his characteristic manner said that at that time there was an official block. I am glad that we have been taught the use of the word 'official block' by the legal expert of Government. We on this side may have occasion to use the phrase often. But, in drafting Bills, the official block has little opportunity to give Government its valuable support. Once a Bill has been drafted,—and I believe drafting is the result of close and careful study,—the member in charge of it should be able to take it through the Council and defend it against attacks. No additional preparation can be deemed necessary, if the facts and principles have been correctly understood at the time of drafting. It does not, therefore, mean any additional work to the Additional Head Sirkar Vakil, the Law Member of Government. The duplication of functions and their division between two high-paid officers with an increasing number of Assistants entails a prodigal expenditure of money.

PRESIDENT: That again is out of order. We are not dealing with the Head Sirkar Vakil. We are dealing only with the Additional Head Sirkar Vakil.

MR. T. K. VELU PILLAI: The two are so intimately connected that we are unable to speak about the Additional Head Sirkar Vakil without making reference to his senior supplement. The efficiency of the one establishes the redundancy of the other. I should like to mention that the matter is one which has to be carefully enquired into by Government. We have been spending a good deal of money upon the Sirkar Vakils—a host of them—without commensurate advantages. It is time that this misdirected liberality was discontinued. I know from personal experience that several of them are not interested in discharging their legitimate duties. I know names, but it would not be proper to mention them. I challenge Mr. Subba Aiyar to say that all the Sirkar Vakils are hard-worked or to come forward with a complaint that he is not able to cope with the work of drafting and piloting Bills through this Council unaided by others. I know he is able to do that and perhaps much more. It should, therefore, be our firm resolution not to spend the tax-payers' money on appointments which serve no useful purpose. The Government should interest themselves more in getting proper work out of the officers already in their employ than in providing comfortable berths for individuals.

MR. K. P. RAMAN PILLAI: Sir, after hearing my friend, Mr. S. Krishna Aiyar, about the expense on the Government Advocate that is being incurred in Mysore, I also made up my mind to speak a few words on this motion. I am clearly of opinion that one of these Head Sirkar Vakils must go. I do not know what the

LIBRARY ARCHIVES Kerala Legislative Assembly

condition of this Council will be if it is deprived of its Law Member. That is for the Government to consider. After this budget has taken its final shape, if we, the non-official members, do not find Mr. Subba Aiyar here, it will be time enough for us to enquire about him. My fear is that, as it is, we have five officers including the one Assistant for the Additional Head Sirkar Vakil, and I fear that, with the development of the Travancore Sugar Company, the Additional Head Sirkar Vakil will indent upon the Government for more Assistants.

PRESIDENT: He has got nothing to do with the development of the Sugar Company. That is not legislation.

MR. K. P. RAMAN PILLAI: My submission is that matters that are now being dealt with by the Head Sirkar Vakil will naturally be transferred to the Additional Head Sirkar Vakil's office and he will ask for further assistance. Indirectly, the chance is that his office work will swell.

PRESIDENT: You need not enter upon future possibilities and talk about them.

MR. K. P. RAMAN PILLAI: It is the fear of the swelling of work in future that prompts me to support my friend's motion.

MR. V. SUBBA AIYAR: Sir, my friend, Mr. Krishna Aiyar wanted information on a certain point. I may say that, so far as I have seen the Legislative Council proceedings of Mysore, the Law Officer there need not draft the Bills or revise or frame rules, because all these items of work are mainly left to the various heads of departments.

MR. S. KRISHNA AIYAR: For the whole State there is only one Head Sirkar Vakil.

MR. V. SUBBA AIYAR: Yes, only for court work. References are made very rarely and I am not sure whether the officer is not paid anything *extra* for it. I have read many of the Legislative Council proceedings of Mysore and I know from them that the Law Officer does not introduce any Bill.

MR. G. PARAMESVARAN PILLAI: Is the Law Member in a position to say who is the officer concerned as regards legislative work?

MR. V. SUBBA AIYAR: The head of each department has to draft his own Bill, or rather the Executive Council Member in charge of the department, as in the case of Madras and other Councils. I believe the Law Officer is generally a member of the Select Committee, and he gives a final shape to the Bill before it is passed. It is not so here.

MR. T. K. VELU PILLAI: I wish to ask the member whether that cannot be done here also.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. V. Raman Pillai.]

MR. V. SUBBA AIYAR: I would rather ask the member to revise the whole system of administration, or rather the way in which general administration is carried on at present, before asking the Government to take away my Assistant. If that is effected in the first instance, I can certainly forego my Assistant. I believe even my office may be abolished.

PRESIDENT: We do not know what exactly is the system in Mysore. We are not in possession of correct information. There may be a separate department for legislative work.

MR. V. SUBBA AIYAR: I may also say that the Law Officers' Departments have not been reorganised as yet. I believe the Government will consider the question in all its aspects before reorganising our offices. I may, however, say that, in respect of the work that I am called upon to do, I cannot get on without an Assistant. So, with reference to the number of Judges, I believe, my friend, Mr. Krishna Aiyar knows that, so far as Mysore is concerned, there are only 3 Judges in the Chief Court there. The number of cases filed in Mysore is not one-half of what we have here. Travancore is certainly much more litigious.

MR. G. PARAMESVARAN PILLAI: Sir, in the light of the statement that the reorganisation of the Sirkar Vakils' Department has not yet been taken up and that the point involved in my motion will be borne in mind at that time, I do not wish to press the motion to a division.

The motion was, by leave, withdrawn.

***Motion* 68.**

MR. K. C. MAMMEN MAPPILLAI: Sir, I beg to make the following motion:

68. To reduce the allotment of Rs. 29,000 for Law Officers by Rs. 1,000.

My object in bringing this motion is to call attention to the number of Law Officers that we have already got and to request that this number may not be unduly increased. I find that Sirkar cases are occasionally entrusted to private vakils. When the feeling already in the country is that the Law Officers are too many, it is certainly undesirable that such a state of things should be allowed to continue. I have nothing more to add to what has already been said on the previous motion. I fully agree with the sentiments expressed in this House about the invaluable services of the Law Member and, I am sure that every member of this House will gladly vote even if the tenure of the office of the Law Member is to be made perpetual. That is the only word I have to say. With these words I do not press the motion.

The motion was, by leave, withdrawn.

LIBRARY ARCHIVES Kerala Legislative Assembly

***Motion* 69.**

MR. V. RAMAN PILLAI: Mr. President, permit me to move the following:

69. To reduce Rs. 1,00,000 from Rs. 7½ lakhs demanded under Administration of Justice.

Now we are not permitted to speak anything concerning the pay of officers drawing more than Rs. 125 permanently. Still, my object in bringing this motion for the consideration of this House is to examine the superfluity of appointments in the administration of justice in the higher ranks also. That is to say, the reduction of Rs. 1 lakh is to be effected by disbanding the establishment and contingencies allowed to the various temporary appointments in the department and also if possible by reducing the number of additional appointments. To be more clear, I may submit that the Additional Bench of the High Court is an unnecessary encumbrance on the revenues of the State. The Additional Third Bench of the High Court was sanctioned in 1092. At that time the total number of appeals pending in the High Court was 2,137. The number of suits now pending in the High Court, *i. e.*, till the end of 1096, is only 917. I do not know what the number will exactly be by the end of 1097. This is certainly not a very heavy file, since there are already two permanent Benches in the High Court. We also find that the file of cases this year as well as in the previous year was lower than what it used to be before and I am sure that the number of cases that may be filed hereafter will also be less. So, considering the bulk of the file and the number of pending appeals, I beg to state that the additional Bench can be conveniently abolished and that thereby about Rs. 50,000 can be saved under this item.

Another salient factor that I have to submit for the consideration of this Council is that we have in all 71 courts in the State, including the Panchayat Courts. I may submit that it appears to be rather very alarming for a small State like Travancore to have 71 courts. That was in 1096. I do not know how many more courts will be established next year. We have a court for every 6 miles in the country. I submit that this does not certainly indicate the prosperity of the people of the State, and that it is high time that the Government should adopt proper measures to reduce the number of these courts. Now, similarly, I may also submit that the Additional Head Sirkar Vakil and his Assistant can be done away with, because we should have only—

PRESIDENT: That does not arise here.

MR. V. RAMAN PILLAI: Now, I have stated that in connection with the Head Sirkar Vakil.

MR. S. PARAMESVARA AIYAR: May I rise to a point of order? That item has been allowed to stand in the budget and we cannot go back upon it now.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. V. Subba Aiyar.]

PRESIDENT: Yes. Mr. Raman Pillai, you cannot go back upon that item. That has already been passed. The motion in connection with it has been withdrawn.

MR. V. RAMAN PILLAI: Well, it has been withdrawn. But the matter has not been freely discussed.

PRESIDENT: It amounts to a retention of that part of the grant.

MR. V. RAMAN PILLAI: Anyhow the demand has not been voted upon. I think I can—

PRESIDENT: No, you cannot discuss that.

MR. V. RAMAN PILLAI: Then, so far as the Head Sirkar Vakil's Department is concerned, I may submit that the establishment and the post of the Head Sirkar Vakil himself can be abolished. I submit, we should have only one Head Sirkar Vakil and 3 Assistants, if necessary. More than that will be unnecessary under the circumstances of this country. Therefore, on that ground also, a considerable sum can be saved by the Government.

Then, as regards the reduction of the number of courts, I may also state that the litigation in 1096 has fallen to the extent of 6,935 suits in the Munsiffs' Courts, while in the District Courts also there has been a considerable fall to the extent of 300 appeals and 150 original suits. On the average, the total number of suits filed in all the courts together is not more than 800 or 900. Under these circumstances, I submit that a reduction of a lakh of rupees under the head of "Administration of Justice" can be made without detriment to that department. I therefore, place my motion for the consideration of this House.

MR. V. SUBBA AIYAR: Sir, I beg to draw the attention of the House to the fact that, if this item is voted upon and if it is decided that one lakh of rupees should be reduced, it must be by the reduction of establishment, because so far as the Judges of the High Court or the District Courts, or the Munsiffs or the Law Officers are concerned, their salaries are non-votable. Evidently, my friend wants to have a discussion as to the necessity or otherwise for the continuance of the Third Bench of the High Court or of the Additional Judges or Munsiffs in the mofussil. He is welcome to do so. I shall place a few facts for the consideration of the House, justifying the necessity for the continuance of the additional officers.

The Third Bench of the High Court was first constituted in 1088, but it was discontinued after one year. In 1092 it was started again and it has since been continued from year to year. The late Chief Justice, Mr. Raman Menon, brought to the notice of the Government the fact that it was not possible for all the three Benches together to decide more than 875 cases in a year, having due regard to the quality of the decisions. He, therefore, thought it necessary to continue the Third

LIBRARY ARCHIVES Kerala Legislative Assembly

Bench. If we go into the facts, we shall find that the total number of appeals,—both first and second appeals filed during 1095,—was 1,123, and in 1096, 1,186. Revision and miscellaneous petitions may be left out of account. So far as criminal appeals are concerned, the number filed in 1095 was 131, and that in 1096, 133. The arrears at the beginning of this month come to 100 criminal appeals and 1,150 civil appeals. The total number at the corresponding period of 1095 was much less. So far as the continuance of the Third Bench is concerned, I do not think that the House need be under the impression that the idea is to make it permanent. The idea is to have it as long as it is found absolutely necessary. So far as the present work of the High Court is concerned, one of the Judges was on leave for some time and no substitute was appointed. The Chief Justice and one of the Judges were engaged in the preparation of Civil Rules of Practice for over 50 working days, and I believe the High Court are now engaged in the revision of these Rules of Practice, attending to this work for some-time past after 3 P. M. everyday. There are also other matters engaging their attention. There is the Church case to be boarded soon and it is likely to detain a bench of 3 Judges for over a month. The amount of work that will be left will be much larger than last year. The High Court after due deliberation have thought it necessary to continue the Third Bench for another year. The abolition of that Bench will result in a substantial addition to the list of pending arrears very soon. It was this that induced them to recommend the continuance of the Third Bench.

So far as other courts, *viz.*, the District and the Munsiffs' Courts, are concerned, I may say that the number of suits filed in all the courts was 47,800 in 1084, and 79,360 in 1094, while in 1095 it was about 70,000. Anyhow, we may fairly take it that litigation has increased by over 50 per cent. The additional Judges or Munsiffs since appointed have not been made permanent except one. We have now six temporary Munsiffs. I may bring to the notice of the House the nature of the arrears pending in the District and the Munsiffs' Courts. In the District Courts we find that altogether there are 1,598 original suits pending at the end of the third quarter of the current year. The details as regards the pendency in each court are as follow:

Nagercoil	308	Alleppey	234
Trivandrum	283	Kottayam	294
Quilon	322	Parur	157

So far as appeals are concerned, the number pending at the end of the third quarter is 3,682, an abnormally heavy number. So also, in the case of the Munsiffs' Courts, there are many courts which have a pendency of over 1,000 cases, and even in places where there are two Courts there are over 900 cases pending in each of them, so that litigation has considerably increased and the arrears are also going up. It is absolutely necessary that in the interests of justice the old suits should be disposed of as early as practicable. It is not possible to say how many Judges

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. T. K. Velu Pillai.]

or Munsiffs will be necessary and for how long. The High Court observe: "There are six temporary Munsiffs' Courts. They must work for some more time before we can say whether they can be finally dispensed with". I believe they must have taken into consideration the nature of the cases pending at the end of the third quarter. This report is open to perusal by any member. It is evident from the report that the High Court are of opinion that these temporary courts can be got rid of only when the file becomes normal. If at a place, say Vaikam, the number of cases becomes normal, then the Munsiff is transferred to Padmanabhapuram, and similarly another to Perumpavur and a third to Kuzhittura where the work is heavy. That is how the Munsiffs are made to work. As for the heavy arrears, it may be asked why there should be such a delay in the disposal of these cases. I have said that the file has risen by 50 per cent. Further, the Judges and the Munsiffs alone are not to blame in the matter. The members of the bar are also responsible for the pendency of cases. I may say without fear of contradiction that the Bar now consists of learned and capable members—a very large number of them—and the result is that even a very insignificant question is threshed out in all its bearings and the Munsiff or the Judge has to hear all the arguments patiently. Every question of fact or of law is argued at length to the satisfaction of those concerned, and this takes some time. So far as adjournments are concerned, vakils are not wholly free from blame. The lawyer members of the House will pardon me when I say that in many cases vakils do apply for adjournments, and the Judges and the Munsiffs, with a view to smooth and harmonious working in courts, are not infrequently inclined to grant adjournments, resulting in the accumulation of arrears. Of course, there may be a few individual Judges or Munsiffs who may be very slow or who may find it difficult to dispose of cases. But this cannot be helped so long as human nature continues to be what it is. All these put together have contributed to the accumulation of arrears. I believe it will be admitted by all that there should be speedy disposal of cases, both civil and criminal. It is this that has induced the High Court to submit their recommendation to continue these temporary courts. Seeing that the High Court consists of six Judges, five of whom are Travancoreans, we may without fear of contradiction presume that they are as interested in the welfare of the State as the members of this House. It is because they have the interests of the State at heart that they have made their recommendations. The expenditure involved will not sit unnecessarily or with undue weight upon the tax-payer. With these words, I oppose the motion.

MR. T. K. VELU PILLAI: Sir, this House is more than convinced that the words of praise I bestowed upon Mr. Subba Aiyar are well-deserved. I have known Mr. Subba Aiyar for a long time, and knowing his abilities I took care not to be enraptured by his learning and eloquence. I have been carefully following his arguments and I

LIBRARY ARCHIVES Kerala Legislative Assembly

have been able to find the fallacious nature of these arguments. I join issue with him in all those arguments.

Sir, Travancore is a place where the rights of occupancy are greatly respected. You create an office temporarily and that office becomes permanent. You create an Additional Head Sirkar Vakil temporarily and he becomes a permanent Additional Head Sirkar Vakil. You create a Third Bench in the High Court temporarily and that becomes a permanent Third Bench. That seems to be a matter of general practice in this country. Another example also comes to my mind. The Law College was first proposed to be run as an educational institution. Now, as I see from the speeches of some of the official members and some of the prominent non-official members like Mr. K. Parameswaran Pillai, it is being run as a commercial institution. Probably, here also, it is the same principle that underlies the policy of creating more courts of justice than are necessary, because litigation is very profitable to Government.

Then with regard to the High Court, I am obliged to observe, with all deference to the estimable and learned Judges that preside over our courts, that the Third Bench is absolutely unnecessary. Sir, work accumulates both in the High Court and in the lower courts, because the Judges do not do their duty properly. There is slackness seen everywhere and such slackness appears to be carefully rewarded. If a Munsiff does not do his work and if there are heavy arrears, it is looked upon as one of the reasons to give him a promotion. I am directing the question to Mr. Subba Aiyar whether he can give me instances—

MR. V. SUBBA AIYAR: Sir, may I rise to a point of order? He has only to address the question to the Chair?

MR. T. K. VELU PILLAI: I ask the question through the Chair. I thought Mr. Subba Aiyar would be able to understand me. I ask whether subordinate Judges have been ever denied promotion, because they were slack in their duties. To my knowledge it has never been the case. Therefore, these officers believe that, although their work is of very bad quality and although they are indolent people, they will get the prize when it comes to them. My learned friend referred to the fact that the accumulation of the file in the High Court is due to the circumstance that two of the Judges were engaged in the duty of revising the Civil Rules of Practice. I am very sorry that the services of two High Court Judges should be utilised for this purpose. That is a piece of work which the Registrar or the Deputy Registrar or the Manager should be asked to do. To make the Chief Justice and another eminent Judge do this work is something like setting up an electric installation for generating a current to kill a fly. When the Civil Procedure Code is under revision there cannot be much good arising from the framing of the rules, before that Code becomes law. The ministerial side of the High Court is also overmanned. There is the Registrar, and there are also the Deputy Registrar and the Manager. We realise that our State is only 7,000 square miles in area, which is very small when compared to the

LIBRARY ARCHIVES Kerala Legislative Assembly

[Rao Bahadur K. A. Krishna Aiyangar.]

whole Presidency of Madras where you have only one High Court and that court is able to dispose of all the cases coming from the 22 Districts, each District being as large as and sometimes larger than our State. There is absolutely no reason why four Judges of ability and trained experience should not be able to cope with the work in our High Court. It is therefore a mistake to continue the Third Bench in the High Court.

It is also a serious mistake to give courts whenever people ask for them. Government seem to think that establishing more courts is similar to the opening up of new taverns in places where the demand is satisfactory. Once there is a tavern there will be customers and once there is a court there will be litigants. So, that policy, Sir, has to be abandoned. Government alone can save the people from unnecessary litigation. Let people go to a court only when it is absolutely necessary. Do not tempt them to resort to litigation by establishing courts in every conceivable locality.

MR. A. HOOGEWERF: Sir, I am quite in agreement with what Mr. T. K. Velu Pillai has said. Travancore, especially North Travancore, is a place of litigation. And in proportion to the facilities offered for litigation by having courts, and the facilities offered for turning out lawyers, the number of cases increases. We are now having a Third Bench, and if the present state of things continues, it is very probable that we shall have a Fourth Bench also in the High Court. I fear we are, more or less, travelling in a vicious circle. As stated by Mr. Velu Pillai, a tavern offers facilities for more drinkers to come in. I think this sort of facility should not be offered in a State like Travancore.

RAO BAHADUR K. A. KRISHNA AIYANGAR: Sir, I did not originally propose to intervene in this debate. But, from the observations which have fallen from some of my friends, I think it desirable that I should state what I think of the matter. Of course, my friends who have already addressed this House and I myself do realise that, strictly speaking, we cannot raise as a direct issue the necessity for the continuance of the temporary Bench of the High Court, the Additional District Judges and the Additional Munsiffs, as they are really non-votable items. If my friend who was responsible for this motion simply wanted to draw the pointed attention of the House to the overflow of judicial officers in a comparatively small country like Travancore, the reduction that he proposes need not be so substantial as Rs. 1 lakh, since, in the event of the motion being carried, the parties that would suffer will be the ministerial servants and process-servers, without whom the administration of justice will become absolutely impossible. I myself do not believe that the primary object of this motion is the reduction of the demand by Rs. 1 lakh, so much as to draw the attention of the House to the desirability of curtailing the number of officers. Unfortunately, Sir, the complaint is universal that the existing number of Judges and Munsiffs has to be increased to cope with the volume of judicial work throughout the country. Some years ago I remember the Lord Chief Justice of England complaining that it was not possible

LIBRARY ARCHIVES Kerala Legislative Assembly

to cope with the existing work with the then sanctioned strength of the High Court, and I remember, if my memory does not fail me, his pointedly drawing attention to the complicated system of law, the temptation that the Bench and the Bar have for examining, from a historical standpoint, the decisions dating from the days of the *Magna Charta* up to date, and the innumerable law publications and reviews that are being sent out continuously by students of legal literature. As my friend himself put it, the greater the culture, the greater the intelligence, and the greater the critical faculty of the practitioner, the greater is the time that he takes up, certainly with advantage to the profession and to the Judges, in the matter of elucidating complicated questions of fact or questions of law that do come before them. That necessarily means that there is very much more delay now than there was in earlier years when the Bar was comparatively a less critical and a less advanced institution. There was a time, Sir, in the good old days when a Munsiff or a Magistrate was really a powerful despot, not merely to the ordinary people in the locality where he resided, but even as regards the Bar that appeared before him. Luckily, those days are past, no more to return in any part of the world. The claim to reverence and distinction on the part of a judicial officer depends upon the perfectly judicial frame of mind with which he approaches the solution of a controversy. No doubt, to some extent, on behalf of my profession, I may plead guilty to the charge which Mr. Subba Aiyar levelled against the Bar that we are contributing to the adjournment of cases.

MR. T. K. VELU PILLAI: May I ask whether the attitude on the part of the vakils is not due to the leniency already shown and whether the Judges are not themselves responsible for these adjournments ?

RAO BAHADUR K. A. KRISHNA AIYANGAR: It is only a question of temperament. Let us not lay down any hard and fast rule under which a Judge should act in regard to this matter. It is a question of urgency that necessitates a demand for an adjournment.

I daresay that so many of us are all away just at present from our professional centres and our Judges must be awfully upset. Now we are forced to the necessity of applying for an adjournment. For over two or three weeks the Judges cannot in fairness tell us to make our own arrangements in regard to the conduct of cases, and they would be right in saying that the High Court will call upon them for an explanation if there be any delay in the disposal of cases.

MR. K. P. RAMAN PILLAI: The High Court itself is responsible for this default.

RAO BAHADUR K. A. KRISHNA AIYANGAR: My experience in the mofussil is very much more satisfactory than in this part of the country. I am just submitting, Sir, that, day after day, for very good reasons, in some cases personally owing to the counsel and in some cases owing to the client, cases have to be adjourned. You have to take it as incidental in a court of law. There is no use in merely complaining that vakils are a contributory cause for the delay in the disposal

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. K. Narayana Pillai.]

of cases and that the vakil members of this Council are not, therefore, entitled to stand up and question the propriety of the increase in litigation and the number of judicial officers in the State. I admit the correctness of the proposition that, if the vakils contributed to any delay, we must credit them with sufficient responsibility for doing so.

MR. T. K. VELU PILLAI: I wish to tell Mr. Krishna Aiyangar that I am here not as a vakil, but as an elected representative of the people. The two functions are different.

RAO BAHADUR K. A. KRISHNA AIYANGAR: I am merely submitting, Sir, that there is no doubt that an increase in the number of courts does bring on an increase in the number of judicial officers, and perhaps the most satisfactory solution is that, instead of increasing the number of courts, we ought to increase the facility for rapid communication from one part of the country to another, as that will be a less ruinous and more useful investment of the public money.

MR. J. JOHN NIDIRY: Sir, I only wish to add a few words to what has been said already. It has been said by some of my friends that the increase of litigation, which is an admitted fact in this country, is partly due to the want of activity on the part of the Judges. My friend, Mr. Subba Aiyar, said that vakils were also responsible to a certain extent for the delay in the disposal of cases, but I am afraid that neither of them are really responsible for the arrears in our courts. We should seek for the cause elsewhere. I should think that this Council itself is the greatest sinner and more responsible than any other body for the increase in litigation and consequent arrears. We, the members of the Council, make so many laws year after year, and if we make a new law we should expect breaches of that law also. That again means increase in litigation. Therefore I should think that the activities exhibited in this Council are to a very large extent responsible for the great increase in litigation, for which we are all sorry. The increase of litigation due to increase of statutes is a necessary evil of civilisation which we cannot avoid. I do not therefore think that any reduction under the head of administration of justice, which is one of the most essential departments for the welfare of the State, is possible. When we find that there is an increase in litigation, it will be a bad policy, a policy which would seriously affect the welfare of the subjects of His Highness the Maha Raja, to cut short the number of Judges. I am not, therefore, for any reduction in the number of Judges.

MR. P. K. NARAYANA PILLAI: Sir, but for the contributory cause ascribed to the lawyer members of this House, I would have refrained from taking part in this discussion. In that aspect of the matter, a word of explanation is necessary. No doubt, nowadays, the arguments before the Bench are more lengthy than before. That has been explained by the Deputy President as being due to the output of legal literature for legal practitioners. I beg to submit that in view of the pains taken by legal practitioners and in view of the difficulty by

LIBRARY ARCHIVES Kerala Legislative Assembly

way of increase of legal literature upon points of law and fact, courts have got the assistance of highly accomplished vakils. Occasionally vakils do apply for adjournment, but they are on very solid grounds.

That is nothing; but one question that I would place for the consideration of the Council is whether the recruitment for the judiciary is satisfactory, so that judicial officers may cope with their work—especially with the sort of work that is now coming up before the courts. The judicial officer himself must be a person having a training similar to that of the lawyers appearing before him. It is not sufficient if a person, who happens to be some officer in any of the departments and gets through the B. L. examination, is sent out as a Munsiff. It is really a pity. He should have more practice. If that aspect of the matter is taken into consideration, the judicial officer instead of being allowed to be wafted by the arguments of the learned counsel in a number of cases, will be in a position to cut short a good number of arguments and save time. That unfortunately is not the case. A record-keeper or a clerk in the High Court happens to get through the B. L. examination. Then the High Court think of the prospects of this gentleman and send him out as a judicial officer. After some time he comes across, to his utter discomfiture, a set of persons with whom he finds it difficult to deal. If, therefore, the Government are prepared to look into the matter still deeper and arrange for the recruitment of better judicial officers, I think a solution will be available for the difficulty. As matters stand now, I am not prepared to say that judicial officers are slack or that legal practitioners are purposely throwing obstacles in the way. So far as my experience goes, in the matter of discharging his duties every judicial officer is taking the utmost pains. That is not exactly where the shoe pinches. That is all that I have to submit. As regards that matter the view requires modification.

MR. K. P. RAMAN PILLAI: Sir, with reference to that side of recruitment which my friend, Mr. Narayana Pillai, emphasised, namely, recruitment from the wrong side of the employees in the judicial department itself, I wish to add a word. And that relates to the recruitment from the Bar itself. It would be well if considerations other than seniority at the Bar also counted in appointing persons as Munsiffs. There is an impression nowadays that, if a person takes a *sanad* and puts up a board by the main road he can surely become a Munsiff within five or six years' time. The Government would do very well to take into consideration the number of cases which the intelligent litigant public of Travancore have allowed this aspirant to handle during the course of these years. I fancy that gentlemen who are sent out from the Bar nowadays as Munsiffs are of a very poor type. They could not appreciate the difficulties of a practising lawyer, especially of one who has got a pretty good practice, and their peevishness and impatience, and their indifference to grasp things are some of the main reasons which contribute to the delay in the disposal of cases. I am also bound to observe that the increase of courts in this country is partly due to the representatives of the people who use to come from time to time to the Sri Mulam Popular

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. V. Subba Aiyar.]

Assembly. Many of them thought that it would be a nice thing to have a Munsiff's court, a veterinary hospital and all the rest of it at the head-quarters of their taluks, and with that object they used to come to the Dewan from time to time with all manner of false ideas about the necessity of these matters, so much so that we have got too many courts now. Of course, the Government found that the Judicial Department was a paying one and they looked upon these applications with an amount of indulgence which the growing demands of the country require. I, therefore, support the motion.

MR. V. RAMAN PILLAI: Sir, I have nothing more to add to what has already been said by my friends.

MR. V. SUBBA AIYAR: Sir, so far as the creation of additional courts is concerned, my friend, Mr. K. P. Raman Pillai, anticipated me. I may reaffirm, for the information of the House, that it was only after repeated requests and demands were made by various members of the Popular Assembly and after consultation with the High Court, that these courts were created. It is not therefore open to the representatives of the people now to say that the Government did this for the purpose of revenue. Even now there are representations which have not been satisfactorily met. There are still demands for Munsiffs' Courts and Magistrates' Courts, and I believe my friend, Mr. Khadir Pillai of Alwaye, will bear me out in this matter. He has been repeatedly pressing for a Munsiff's court at Alwaye. So far as the preparation of Civil Rules of Practice is concerned, one of the members asked why the Registrar or somebody else should not be deputed for the purpose. I am rather surprised to hear it, because what the Judges are engaged in is to *regulate* the procedure in their courts. It is only persons who have got a thorough knowledge of the working of the courts that will be competent to do it. I may, so far as the present constitution of the High Court is concerned, state that most of the Judges have worked as District Judges and Munsiffs and that some of them have been practitioners, so that both the Bench and the Bar are well represented in that constitution. Before any change is made in the existing Civil Rules of Practice, they should be in a position to know whether a particular thing is workable or necessary or not. It is they that should decide these questions and not the Registrar or the Deputy Registrar or the Manager. May I say for the information of the members that the present Civil Procedure Code contemplates that the orders and rules relating thereto which are virtually Rules of Practice may be altered by a Rule Committee consisting of Judges and members of the Bar? It is such a Committee that is practically sitting over the Rules of Practice now. The rules are so very important that I would not recommend to this Council that that work be done by the Registrar, the Deputy Registrar or the Manager. So far as the arrears are concerned, one of my friends drew attention to the number of Judges in the Madras High Court. I may say here that, when I began my practice, there were 5 Judges in the Madras High Court. We have now 12 more. I believe that everybody is aware that recently the Madras Government have taken steps to see how the reduction of arrears in the various courts of the

LIBRARY ARCHIVES Kerala Legislative Assembly

Presidency may be effected, because they find that the arrears have considerbly accumulated and that Judges and Munsiffs are not in a position to cope with their work. Most of the members must have read, at any rate from the newspapers, about this, so that it is not a new question that has been taken up by this Government alone. Everywhere it is the same question. Litigation is increasing. I do not want to say anything against legal practitioners or courts. I myself am one still practising as a vakil. I only refer to it incidentally in saying that, inasmuch as they are very skilful, they are in a position to analyse and criticise, and that they are able to put all sorts of arguments to the best advantage of their clients. It may be that some Judges are in a fix as was pointed out by a member to decide cases on way or the other. That shows the increase in the number of qualified and intelligent practitioners. I believe the object of this motion is to place before the Government the views of the members of this Council about the creation of additional courts and that object has been well achieved. I believe, my friends will be quite satisfied if the discussion that has taken place to-day in this House is duly communicated to the High Court, so that they may take effective steps to bring down the arrears to a normal condition and to see that, if possible, as many Judges and Munsiffs are dispensed with, and that as early, as possible, without sacrificing efficiency. I can also assure the House that the Government will do their best to see that the arrears are brought down and will be glad to give effect to any recommendation that may be made by the High Court in this direction.

MR. V. RAMAN PILLAI: Sir, I beg permission to withdraw my motion.

The motion was, by leave, withdrawn.

Motion 70.

MR. K. P. RAMAN PILLAI: Sir, I beg to make the following motion:

70. To reduce the total allotment of Rs. 1·21 lakhs under Demand XI by Rs. 27,648.

I invite the attention of the members to page 67 of the budget wherein they would find that this sum is put in. In the light of the discussion we have already listened to, I do not think that I shall have to make any lengthy arguments to persuade my friends on this side of the House to support me heartily. All that I wish to do is to place a few statistics before this House and then leave it to them to decide whether the provision for these additional Munsiffs would not, in the long run, be a source of unnecessary burden and trouble to the people of Travancore. My friends will note that we had only 63 courts in 1086 which rose to 79 in 1096, *i. e.*, by 33 per cent. The number of suits in 1086 was 56,415, including appeals. In 1095 it rose to 78,688, *i. e.*, by 22,000. The number of cases pending at the end of 1086 was 2,862, while that pending at the end of 1095 was 12,087, so that the number of cases pending in 1086 was 5 per cent., while the number pending in 1095 rose to 16 per cent. The average pendency of cases also rose. In 1086 the average pendency of original suits was two months and twenty-eight days, while in 1095 it came to four months and a day. The average pendency of appeals in 1085 was six months and six days, while in 1095 it was ten months and eleven days, *i. e.*, almost double the duration of pendency in 1086.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. V. Subba Aiyar.]

While the average disposal of a Judge was 73 suits in 1081, it came down to 70 suits in 1095. In considering this aspect, we have also to remember the number of suits compromised, decreed *ex parte* and decreed on admission. In 1091, 100 suits ended in compromise, while in 1095 the corresponding number was 124. The suits decreed *ex parte* rose from 69 to 149 in the District Courts. I wish also to point out the age of the pending suits. In 1092, there were 111 cases between one and three years old in the District Courts.

MR. V. SUBBA AIYAR: I do not wish to interrupt the member. I believe we have had a long discussion on this matter in connection with the budget regarding the Third Bench of the High Court.

PRESIDENT: We had enough of discussion on this subject when the question of the retention of temporary courts came up.

MR. K. P. RAMAN PILLAI: All that I wish to point out is that these statistics tell a tale which nobody can mistake. That something is wrong with the matter of disposal of suits which is not as expeditious now as it was 11 years ago, is apparent from these statistics, and I, therefore, in the interest of the tax-payers in Travancore, appeal to my non-official friends to support me to cut down the budget by Rs. 27,648.

MR. V. SUBBA AIYAR: Sir, I do not think that there is any necessity for me to add anything to what has been already said by me. We have already discussed the subject for a sufficiently long time. There are very many cases pending in the Munsiffs' Courts. If my friend is not satisfied with the figures I already gave, I shall read the statement of arrears once again:

Name of Court.	*Cases pending at the end of the third quarter of 1097.*
Nagercoil Principal Munsiff's Court	677
Do. Additional ,,	662
Padmanabhapuram Principal ,,	954
Do. Additional ,,	939
Kuzhittura ,,	889
Neyyattinkara Principal ,,	646
Do. Additional ,,	564
Trivandrum Principal ,,	613
Do. Additional ,,	676
Do. Temporary ,,	483
Attingal Principal ,,	650
Do. Additional ,,	744
Quilon Principal ,,	698
Do. Additional ,,	666
Kottarakara Principal ,,	616
Shencottah ,,	325
Adur ,,	571
Karunagapalli ,,	578

LIBRARY ARCHIVES Kerala Legislative Assembly

Name of Court.			*Cases pending at the end of the third quarter of 1097.*
Krishnapuram	,,	...	713
Mavelikara	,,	...	881
Chengannur	,,	...	808
Haripad	,,	...	753
Alleppey Principal	,,	...	625
Do. Additional	,,	...	592
Shertallai	,,	...	974
Vaikam	,,	...	693
Tiruvalla	,,	...	636
Changanachery	,,	...	367
Kottayam	,,	...	587
Kanjirapalli	,,	...	354
Minachil	,,	...	577
Muvattupuzha	,,	...	578
Perumpavur	,,	...	1,053
Parur	,,	...	768
Devicolam	,,	...	41
	Total	...	22,951

A very large number of suits is pending in all these courts. The High Court say that it is only after watching the operations of the temporary courts for a year more that they will be in a position to state when the additional courts could be done away with. I think that this question has been sufficiently debated upon in this Council.

PRESIDENT: In the light of this explanation and the debate that has already taken place in the matter, are you still inclined to press the motion?

MR. K. P. RAMAN PILLAI: Sir, I beg to withdraw the motion.

The motion was, by leave, withdrawn.

Motion 71.

MR. M. R. MADHAVA VARIAR: Sir, before making the motion which stands in my name, *viz.*, "to reduce the total allotment of Rs. 7·21 lakhs under Demand XI by Rs. 9,000", I wish to make an amendment. I want your permission for doing so.

PRESIDENT: Yes, I permit you to amend your motion.

MR. M. R. MADHAVA VARIAR: Sir, I beg to amend my motion as follows:

71. To reduce the total allotment of Rs. 7·21 lakhs under demand XI by Rs. 3,000, being the salaries and allowances for Official Receivers.

It is now about 5 or 6 years since the Insolvency Regulation was passed. Hitherto the work of the Official Receiver was done by a

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. M. R. Madhava Variar.]

Receiver appointed by the court. I think that the work has not suffered in any way owing to the absence of Official Receivers. So, this year, we need not appoint six Official Receivers.

MR. J. JOHN NIDIRY: I wish to know whether the Official Receiver is not a statutory necessity.

MR. M. R. MADHAVA VARIAR: We had no Official Receivers till now. The matter is not very urgent.

MR. V. SUBBA AIYAR: I believe my friend knows that, under the Insolvency Regulation, the moment a person is adjudged insolvent, his properties have to vest in the court or a Receiver appointed for the purpose. The insolvent cannot have possession of his properties thereafter. To realise the assets and to make a distribution among the creditors, a Receiver is necessary. At present Receivers are sometimes appointed in individual cases, but not in all cases. This leads to inconvenience to the creditors, since without a Receiver nothing could be done. The necessity for the appointment of an Official Receiver was being pressed even in the Popular Assembly for sometime. It was said that in the absence of a Receiver the creditors were put to considerable difficulty and inconvenience. With a view to avoid all difficulties and inconveniences and in order that somebody may take possession of a person's assets the moment he is adjudged an insolvent, it becomes necessary to appoint an Official Receiver to realise these assets and make a ratable distribution, instead of a nominated person in each case. He is only paid an allowance of Rs. 50. Since the appointment of an Official Receiver is necessary under the Regulation, and since the want of an Official Receiver has caused considerable inconvenience, provision has been made in the budget for the purpose. The High Court have also recommended these appointments. Taking into consideration the small amount that is proposed to be spent under this head and the advantages that are likely to accrue to the creditors in general, I hope the House will reject the motion for reduction.

MR. G. PARAMESVARAN PILLAI: I am sorry that I cannot agree with Mr. Madhava Variar. No time should be lost in the appointment of Official Receivers. As a matter of fact, I myself know that very many parties are put to considerable difficulty owing to the delay in the appointment of Official Receivers. The matter has been hanging fire for a long time and I understand that the High Court sent up a recommendation in the matter a long time ago. I am decidedly of the opinion that no further time should be lost in making these appointments.

RAO BAHADUR K. A. KRISHNA AIYANGAR: I oppose the motion.

MR. J. JOHN NIDIRY: I also oppose the motion very strongly.

MR. M. R. MADHAVA VARIAR: I withdraw the motion.

The motion was, by leave, withdrawn.

LIBRARY ARCHIVES Kerala Legislative Assembly

PRESIDENT: The question is that a sum not exceeding Rs. 7·21 lakhs be granted to the Government under Demand XI—Administration of Justice.

The motion was carried and the grant made.

Demand XII—Central Prison.

MR. R. KRISHNA PILLAI: Sir, I beg to move for a grant not exceeding Rs. ·86 lakh under Demand XII—Central Prison.

***Motion* 72.**

MR. T. K. VELU PILLAI: Sir, I beg to make the following motion:

72. To reduce the allotment of Rs. 76,404 for the Central Prison by Rs 9,100.

I am really interested in the efficient maintenance of the Central Prison. I am also interested in the health of the convicts who are there. The convicts in the Trivandrum Central Prison are not altogether an unfortunate class of people, because they have in the first place a palatial building in one of the healthiest parts of the town. There is very fine breeze there, and what is very rare in Trivandrum, there is very good water, and the food given to them is also exceedingly good. I beg permission to say that it is even better than the food given to the convicts in other jails. Certainly I do not want to add to the lot of wretched beings who are already debtors in the books of both God and man. We need only spend what is absolutely necessary for them. I have to point out for the consideration of the Council that, in Detailed Account No. 17 A, the diet charges are put down as Rs. 35,000, hospital charges as Rs. 5,500, and the charges on account of uniform and equipment as Rs. 2,500. When we take into consideration the fact that there are about 400 people in the jail, the figure under diet charges works out at more than Rs. 8 per head per month. That is more than the pay of a peon who has got to maintain his wife and children. Hospital charges amounting to Rs. 5,000 for 400 people are also excessive, while the most excessive item is uniform and equipment. I made a calculation this morning, and I speak subject to correction. I find that when the price of uniform for the Police and the Excise is only Rs. 8 per head and when the total amount for the foresters is only Rs. 475, the price of uniform supplied to the warders and others comes to about Rs. 25 per head. There are about 100 warders in the Central Prison. I do not know if I have left out any other figure. I think this matter may looked into. There is one principle which may be kept in view in dealing with jail administration. People are sent to the jail not because they are exceedingly well-behaved, but because they have committed offences against laws and because they want sequestration of a drastic kind. The poor in Travancore, as pointed out sometime ago, are suffering very much from want of food and from all other circumstances that make life miserable. I would refer in this connection to a sentence from the *Public Finance* of Bastable who, as you all know, is an eminent authorty. He says that, in the present penal system, criminals are supported in a way that secures them tolerable and healthy existence. Now, to deny to the pauper what is granted to the criminal, amounts to an inducement to crime. Therefore, Sir, I think I am really interested

LIBRARY ARCHIVES Kerala Legislative Assembly